

REMARKS

In the Office Action dated May 28, 2004, claim 35 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Claims 1, 6-34, 36, 39-41 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 20-26, 28-31 and 34 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,330,486 ("Wilk '486"). Claims 1, 6-8, 10-19, 33, 39-41 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,119,913 ("Adams et al") in view of Wilk '486. Claims 9 and 27 were rejected under 35 U.S.C. §103(a) as being obvious over Adams in view of Wilk '486 and in further view of U.S. Patent No. 5,314,436 ("Wilk '436"). Claim 32 was rejected under 35 U.S.C. §103(a) as being obvious over Adams in view of Wilk '486 and in further view of U.S. Patent No. 5,782,396 ("Mastri et al"). Claims 35-37 were rejected under 35 U.S.C. §103(a) as being obvious over Adams in view of U.S. Patent No. 6,017,354 ("Culp et al"). Lastly, claim 38 was rejected under 35 U.S.C. §103(a) as being obvious over Adams in view of Culp and further in view of Mastri.

Applicant has amended claim 20 above to recite additional aspects of Applicant's invention. Claims 21, 22, and 26 have been amended above to effect clerical revisions. Claims 1-19, 32, 33, and 35-41 have been canceled above. Thus, claims 20-31 and 34 are currently pending in the application.

The May 28, 2004 Office Action and the references cited therein have been carefully considered. In view of the amendments presented herewith, and based on the following remarks, Applicant submits that the instant application is in condition for allowance.

Information Disclosure Statements

Applicant filed an Information Disclosure Statement on May 18, 2004 (IDS #1) , which

was received by the U.S. Patent and Trademark Office on May 23, 2004. Since the May 18, 2004 IDS was received shortly before the Examiner's May 28, 2004 Office Action, it appears that IDS #1 was not received in time for the Examiner to consider the disclosed references in the May 28, 2004 Office Action. Applicant also filed an Information Disclosure Statement on June 18, 2004 (IDS #2), which was received by the U.S. Patent and Trademark Office on June 21, 2004. Applicant respectfully requests that the Examiner consider the references disclosed in IDS #1 and IDS #2 in further examination of the application, and that the lists of references in IDS #1 and IDS #2 be printed on any patent that issues from the application.

Claim Rejections - Double Patenting

Claim 35 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Applications No. 10/256,659 and 10/256,893. Applicant is filing concurrently herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c). Therefore, Applicant respectfully submits that the provisional rejection based on obviousness-type double patenting is overcome and requests that such rejection be withdrawn.

Claim Rejections - 35 U.S.C. §112

Claims 1, 6-34, 36, 39-41 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, claims 1, 32-34, 36, and 39-41 stand rejected as containing "the trademark/ tradename 'quick-connect'." Claims 1, 32-33, 36, and 39-41 have been cancelled

above, rendering their rejection moot. Claim 34 has been amended above to remove term “quick-connect”. Accordingly, Applicant respectfully requests that the rejection of claim 34 be withdrawn.

Respecting claim 20, the Examiner indicated that the phrase “without any instrument supported on the distal free end” in independent claim 20 is indefinite, since the Applicant’s invention supports a “coupling instrument” on the distal end of the shaft. Applicant has amended claim 20 to recite “without any surgical instrument supported on the distal free end”. (Emphasis Added.) This amendment is supported at least by the text at page 43, lines 16-18 of the application. No separate basis under 35 U.S.C. 112 was provided by the Examiner for rejecting dependent claims 21-31. Thus, Applicant understands that claims 21-31 stand rejected as depending from claim 20. Accordingly, Applicant respectfully submits that the rejections of independent claim 20, as well as claims 21-31 which depend therefrom, are overcome, and Applicant respectfully requests that such rejections be withdrawn.

Respecting claim 15, claim 15 has been canceled above, rendering the rejection moot.

Claim Rejections - 35 U.S.C. §102

Claims 20-26, 28-31 and 34

Claims 20-26, 28-31 and 34 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,330,486 (“Wilk ‘486”).

Applicant has amended independent claim 20 to recite the feature of “providing a hollow shaft having a distal free end ... configured to permit a surgical instrument to be mounted to the distal free end of the hollow shaft.” In addition, claim 20 has been amended to recite the feature of “inserting a surgical instrument into the body via a second body orifice, the surgical instrument including a coupling complimentary to and configured to couple with the

distal free end of said hollow shaft to connect the drive shaft with the surgical instrument in operable communication.” Still further, claim 20 has been amended to recite the feature of “coupling the hollow shaft and the surgical instrument via the coupling to mount the surgical instrument to the distal end of the hollow shaft after the steps of inserting the hollow shaft and inserting the surgical instrument.” Applicant respectfully submits that at least each of the above-quoted features are not disclosed by Wilk ’486. Accordingly, Applicant respectfully requests that the rejection of independent claim 20, as well as claims 21-26, 28-31 and 34 which depend variously therefrom, be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claims 1, 6-8, 10-19, 33, 39-41

Claims 1, 6-8, 10-19, 33, and 39-41 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,119,913 (“Adams”) in view of Wilk ’486. Claims 1, 6-8, 10-19, 33, and 39-41 have been canceled above rendering their rejection moot.

Claims 9 and 27

Dependent claims 9 and 27 stand rejected under 35 U.S.C. §103(a) as being obvious over Adams in view of Wilk ’486 and in further view of U.S. Patent No. 5,314,436 (“Wilk ’436”). Claim 9 has been canceled above rendering the rejection moot.

Claim 27 depends from independent claim 20. Applicant respectfully submits that Adams fails to teach or suggest the features recited in claim 20 that are noted above as being absent from Wilk ’486. Hence, claim 27 is patentable for at least the same reasons as claim 20 from which claim 27 depends. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of claim 27.

Claim 32

Dependent claim 32 was rejected under 35 U.S.C. §103(a) as being obvious over Adams in view of Wilk '486 and in further view of U.S. Patent No. 5,782,396 ("Mastri"). Claim 32 has been canceled above rendering the rejection moot.

Claims 35-37

Claims 35-37 stand rejected under 35 U.S.C. §103(a) as being obvious over Adams in view of U.S. Patent No. 6,017,354 ("Culp et al"). Claim 38 was rejected under 35 U.S.C. §103(a) as being obvious over Adams in view of Culp and further in view of Mastri. Claims 35-38 are canceled above rendering their rejection moot.

In light of the foregoing amendments and terminal disclaimer, the Applicant believes that the application is in a condition for allowance. The Examiner is encouraged to contact the Applicant's undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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